

**Introduced by Senator Vidak**February 14, 2014

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An act to amend Section 3291 of the Civil Code, relating to damages.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1026, as introduced, Vidak. Personal injury actions: damages: interest.

Under existing law, a plaintiff in an action brought to recover damages for personal injury may claim interest on the damages alleged, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3291 of the Civil Code is amended to  
2 read:  
3 3291. ~~In any~~ (a) *In an* action brought to recover damages for  
4 personal injury sustained by any person resulting from or  
5 occasioned by the tort of any other person, corporation, association,  
6 or partnership, whether by negligence or by willful intent of the  
7 other person, corporation, association, or partnership, and whether  
8 the injury was fatal or otherwise, it is lawful for the plaintiff in the  
9 complaint to claim interest on the damages alleged as provided in  
10 this section.  
11 -Hf

1     (b) *If* the plaintiff makes an offer, pursuant to Section 998 of  
2 the Code of Civil Procedure, which the defendant does not accept  
3 prior to trial or within 30 days, whichever occurs first, and the  
4 plaintiff obtains a more favorable judgment, the judgment shall  
5 bear interest at the legal rate of 10 percent per annum, calculated  
6 from the date of the plaintiff's first offer pursuant to Section 998  
7 of the Code of Civil Procedure—~~which~~ *that* is exceeded by the  
8 judgment, and interest shall accrue until the satisfaction of  
9 judgment.

10     ~~This~~

11     (c) *This* section shall not apply to a public entity, or to a public  
12 employee for an act or omission within the scope of *his or her*  
13 employment, and neither the public entity nor the public employee  
14 shall be liable, directly or indirectly, to any person for any interest  
15 imposed by this section.